

EXHIBIT “B”

David W. Ashley, M.D.

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1 it looks like it's written by the National Jewish
 2 Medical and Research Center in Denver, Colorado.
 3 Q. She gave that to you on June 8, 2001, correct?
 4 A. Correct.
 5 Q. Did you and she talk about the written materials
 6 that she gave you on that date?
 7 A. Probably -- we probably talked more about --
 8 let me just look at the rest of my note here. I
 9 don't think -- we probably didn't go into
 10 specifics about the material. She probably just
 11 ascribed her concerns about potential exposures to
 12 these three things in the past, acetone, Beryllium
 13 and asbestos, and I don't know why she'd give me
 14 something just on Beryllium. Probably because
 15 it's not well-known to most of us.
 16 Q. Can you read the first couple of lines in your
 17 notes from that date from June 8?
 18 A. Okay. Running out of insurance in two weeks.
 19 On multiple medications. Just some vital signs.
 20 It looks like I rechecked and tried to circle mine
 21 as her blood pressure being a little higher than
 22 what the staff got, 146 over 80. Potential
 23 exposure, then a dash, and it says acetone,
 24 Beryllium, and asbestos, and then underneath that
 25 it says, brings in reading for, and it's the end

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1 "Beryllium" I'd heard in my lifetime but knew
 2 nothing about Beryllium disease.
 3 Q. You had never had a patient with chronic Beryllium
 4 disease before then?
 5 A. No.
 6 Q. Have you ever had another patient with chronic
 7 Beryllium disease?
 8 A. Not that I know of.
 9 Q. Did she say where she got the written materials
 10 that she gave you during that visit?
 11 A. No, but it says on the top where it came
 12 from, so...
 13 Q. Did she mention a telephone call that she had with
 14 Senator Jack Reed's office?
 15 A. I don't remember that.
 16 Q. Did she mention a telephone call she had had with
 17 the Department of Labor?
 18 A. I don't recall.
 19 Q. During that June 8 visit, did you talk with her
 20 about having any tests done relating to Beryllium
 21 exposure?
 22 A. I knew nothing of what Beryllium exposure
 23 was, what the manifestations are, how you'd test
 24 for it, so my guidance was from her and any
 25 pulmonologist that I referred her to.

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1 of that.
 2 Q. Now, so she told you right at the beginning that
 3 she was running out of insurance?
 4 A. Correct.
 5 Q. And was that -- did that fact, that she was
 6 running out of insurance, have something to do
 7 with this conversation about potential exposures;
 8 in other words, was she looking for some other way
 9 to pay for her medical bills?
 10 MR. MATANOVIC: Objection to form.
 11 A. My understanding, my writing that down would
 12 be that she's on multiple medications and needed
 13 to refill them before her insurance ran out, and
 14 it doesn't make -- it doesn't make sense to me
 15 that she would be coming in with this because
 16 she's running out of insurance, knowing that
 17 something like this would be a decade-long
 18 endeavor.
 19 Q. When you say "something like this," you mean
 20 litigation?
 21 A. The litigation for an exposure.
 22 Q. Can you remember any discussion during this June
 23 8, 2001, visit about chronic Beryllium disease?
 24 A. Only that that was a potential exposure she
 25 said, and she gave me that handout. The word

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1 Q. During that visit, did she say that she wanted a
 2 test done?
 3 A. Probably -- I don't know if that was at that
 4 visit, but at some visit she did.
 5 Q. What did she say about that?
 6 MR. MATANOVIC: At what point?
 7 MR. UBERSAX: Whenever she said that she
 8 wanted a test.
 9 A. That there is a test that exists that helps
 10 figure out if somebody has been exposed to
 11 Beryllium. I think it was a blood test, I
 12 believe, and that it can be done at this certain
 13 place, which is, I think, the place listed at the
 14 top of the information sheet.
 15 Q. So she knew more about the test than you did?
 16 A. Oh, of course.
 17 Q. She told you about this test?
 18 A. She told me about the test.
 19 Q. Was that during the June 8, 2001, visit?
 20 A. I don't know.
 21 Q. When was the next time that you and she had a
 22 conversation about Beryllium?
 23 A. Well, I saw her on June 19.
 24 Q. Was it during that June 19, 2001, visit that she
 25 told you about the blood test and asked to have

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1 it?
 2 A. Yes. It looks like that from my note.
 3 Q. What does your note say about that?
 4 A. In my assessment and plan, it says, Beryllium
 5 exposure-in past while employed by Raytheon. Will
 6 send special required test.
 7 MR. UBERSAX: Would you mark this as the
 8 next exhibit, please?
 9 (DEFENDANTS' EXHIBIT 5 MARKED FOR I.D.)
 10 MR. MATANOVIC: Is that my copy?
 11 MR. UBERSAX: Yes.
 12 Q. Doctor, will you take a look at Exhibit 5, please?
 13 A. Yeah. That's the same.
 14 Q. Is that a copy of your office notes from June 19,
 15 2001?
 16 A. Yes.
 17 Q. That's your handwriting?
 18 A. Yes.
 19 Q. Down at the bottom of the page you wrote about
 20 Beryllium exposure?
 21 A. Correct.
 22 Q. And what did you mean by "required test"?
 23 A. It could be required, it could be requested.
 24 Usually that would indicate required, and I'm not
 25 sure what that means.

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1 A. Well, that it was to indicate, you know,
 2 Beryllium exposure in the past. I mean, it's...
 3 Q. Did she indicate that she knew that the one
 4 purpose of the test is to determine whether she
 5 might have been harmed by exposure to Beryllium?
 6 A. I'm sure that was an understanding. I mean,
 7 it's...
 8 Q. What did she say about that?
 9 A. I don't recall.
 10 Q. Did she -- was her blood drawn for the test on
 11 June 19, 2001?
 12 A. I don't know. There is a blood test result
 13 someplace in here that probably has a date on the
 14 top of it, but I don't know. If it's written or
 15 the test result, that's the guidance I would use
 16 for when it was drawn.
 17 Q. Did you draw the blood yourself, or did somebody
 18 else in your office?
 19 A. Somebody else.
 20 Q. Did you refer her to a pulmonologist at some
 21 point?
 22 A. Yes.
 23 Q. When was that?
 24 A. I believe when she first came as a patient
 25 she already had one, and then -- let me see if I

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1 Q. This might mean requested by her?
 2 A. Yes.
 3 Q. And you also wrote, will send test; what did you
 4 mean by that?
 5 A. If I recall, this was one of these
 6 complicated things where the patient probably had
 7 the vials and the requirements on how the blood
 8 had to be drawn with her, and the lab that is in
 9 this office would do that for her, and then we
 10 mailed it from here, so she had everything
 11 necessary to package the test and then send it to
 12 wherever it had to -- got interpreted, developed.
 13 Q. She brought that with her to your office on June
 14 19?
 15 A. I don't know, but that's what I'm recalling
 16 from -- between memory and note here.
 17 Q. Do you remember any discussion about the test with
 18 her during this June 19 visit?
 19 A. Nothing specific, no.
 20 Q. Did she indicate that she knew what the purpose of
 21 the test was?
 22 A. I assume she knows what the purpose of the
 23 test is.
 24 Q. Did she say anything to you which made it clear
 25 that she did understand the purpose of the test?

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1 can remember the time frame. I think -- I don't
 2 remember the dates are on this, but she had a
 3 pulmonologist here, then she was pursuing the
 4 Beryllium issue and went out West for a consult
 5 and further testing, and whether I referred her
 6 specifically out -- you know, if it required a
 7 referral from me, then I referred her. If she did
 8 it on her own, then she did it on her own. I
 9 probably wrote a hand referral out at some point.
 10 When she got back and that testing was done, she
 11 ended up finding a new pulmonologist around here.
 12 Q. Was that Dr. Corrao?
 13 A. He was the first one. She didn't want to see
 14 him again, because apparently she reported that he
 15 wasn't answering phone calls from the doctors out
 16 West.
 17 Q. Did you ever talk to Dr. Corrao about her medical
 18 condition?
 19 A. Never.
 20 Q. Do you know Dr. Corrao?
 21 A. Yes.
 22 Q. Did she ever tell you that she -- one of the
 23 reasons she left his care was that Dr. Corrao was
 24 not convinced of the CBD diagnosis?
 25 MR. MATANOVIC: Object to the form.